

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UTHERVERSE GAMING LLC,

Plaintiff,

v.

EPIC GAMES INC.,

Defendant.

Case No. C21-799-RSM

ORDER DENYING MOTION FOR LEAVE  
TO FILE ADDITIONAL MOTION IN  
LIMINE

This matter comes before the Court on Plaintiff Utherville Gaming LLC (“Utherville”)’s “Motion for Leave to File Motion in Limine No. 11,” Dkt. #452. The Court has determined that it can rule on this Motion without the need for responsive briefing.

Utherville requests leave to file an additional motion in limine on the eve of trial based on a recent development—Epic Games, Inc.’s alleged intent to introduce evidence related to two other lawsuits involving individuals related to Utherville and allegations of fraud. *See* Dkt. #452. Utherville’s Motion is noted for consideration tomorrow, and does not cite to any rule that would permit this type of expedited request, or for an additional motion in limine to be filed this close to trial. Utherville attaches its proposed Motion. Dkt. #452-1. The Court does not intend to review expedited briefing on whether to allow this eleventh motion in limine and

1 briefing in response to the motion in limine only to issue a hurried ruling prior to Monday. The  
2 Court has instead reviewed the substance of the request on its own in the interest of  
3 streamlining evidentiary issues for trial.

4 Allegations of fraud made against or by individuals associated with Utherverse against  
5 third parties are unlikely to be relevant to this case. According to Utherverse, the parties have  
6 been discussing this issue back and forth, and there has been some agreement as to limits on the  
7 introduction of this evidence:  
8

9 Utherverse Gaming inquired as to whether Epic Games sought to  
10 “introduce or solicit any evidence or testimony at trial concerning  
11 said litigations or the subject matter thereof” noting that “any such  
12 testimony or evidence [would] be irrelevant at the least.” Epic  
13 Games replied later that day that it “did not intend to reference this  
litigation in opening” but that any other reference “depends on the  
substance of Mr. Shuster’s testimony on direct.”

14 *Id.* at 2.

15 The Court is satisfied that Epic Games will not raise this type of evidence in its opening  
16 statement. If it wishes to do so, it can raise that issue prior to the start of trial. In any event, the  
17 Court can handle any objections to this type of evidence if and when it is introduced.  
18 Utherverse has failed to demonstrate a need for an eleventh-hour motion in limine on this topic.  
19

20 Having reviewed the relevant briefing and the remainder of the record, the Court hereby  
21 finds and ORDERS that Utherverse’s Motion for Leave, Dkt. #452, is DENIED.  
22

23 DATED this 7<sup>th</sup> day of May, 2025.

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25 RICARDO S. MARTINEZ  
26 UNITED STATES DISTRICT JUDGE  
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